IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30/10/2003

CORAM

THE HONOURABLE MR.JUSTICE P.D. DINAKARAN

Writ Petition No.16435 of 1998
and
WMP.No.2196 of 2001

R.Dhanasekaran .. Petitioner

-vs-

1.The Government of Tamilnadu,
rep. by Secretary,
Highways Department,
Fort St. George,
Chennai-9.

2.The Chief Engineer,
Highways Department,
Highways and Rural Works
Department,
Chepauk, Chennai-5.

3.The Superintending Engineer,
Highways Department,
Highways and Rural Works Dept.,
Pudukottai Road,
Trichy-20. .. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India,
praying for a writ of Certiorarified Mandamus as stated therein.

For Petitioner : Mr.A.S.Thambuswamy

For Respondents : Mr.M.S.Palanisamy,
Addl. Govt. Pleader.

:O R D E R

The petitioner is a registered Contractor under the respondents.
Admittedly, the petitioner having proposed to take contract of relaying the

Pudukottai-Trichy Road under the respondents, had not even chosen to sign the agreement. Hence, by notice dated 7.8.1998, the petitioner was called upon to sign the agreement on or before 17.8.1998, failing which, the third respondent proposed to allot the said work to third party, recover the loss, if any, from the petitioner and to suspend the registration of the petitioner as a Contractor under the respondents. In spite of the receipt of the said notice dated 7.8.1998, the petitioner had not chosen to execute the agreement on or before 17.8.1998. Hence, by proceedings dated 31.8.1998, the contract awarded to the petitioner was cancelled. Aggrieved by the same, the petitioner seeks a writ of Certiorarified Mandamus to call for the records relating to the order of the third respondent bearing reference No. Ka.No.TRP.156/98-99/Part-1-V3, dated 31.8.1998, quash the same and consequently to direct the third respondent to permit the petitioner to execute the relaying of the road at K.M.42/0-42/6 & 44/10 in Pudukottai-Trichy after complying with the procedures laid down by the Rules, on the only ground that even though the petitioner was informed by notice dated 7.8.1998 that action would be taken to suspend the registration, the registration of the petitioner as a contractor was suspended by the impugned proceedings dated 31.8.1998 without any further show cause notice.

2. Neither the fact that by notice dated 7.8.1998, the petitioner was required to execute the agreement for the impugned contract on or before 17.8.1998, nor he was given an opportunity to execute the agreement, in default of which, the third respondent proposed to allot the work to third party and also to suspend the registration of the petitioner is not at all disputed.

3. In that view of the matter, I am unable to appreciate the contention of Mr.A.S.Thambuswamy, learned counsel appearing for the petitioner that the petitioner was not given any further opportunity before passing the impugned order dated 31.8.1998, suspending the registration for one year, on the ground that it suffers for want of principles of natural justice, as the doctrine of principles of natural justice cannot be, in my considered opinion, extended unnaturally as sought for, as held by the Apex Court in the decision of State Bank of Patiala vs. S.K.Sharma, reported in 1996 3 SCC 364, as under the facts and circumstances of the case, no other decision would have been taken by the third respondent even if the petitioner was given a further show cause notice, as he was already informed about the proposal by the notice dated 7.8.1998, to suspend the registration if he fails to execute the agreement on or before 17.8.1998. Therefore, the contention made on behalf of the petitioner is nothing, but an useless formality, as held by the Apex Court in the decision of Aligarh Muslim University vs. Mansoor Alikhan, reported in 2000 7 SCC 527. Hence, the writ petition fails and the same is dismissed. No costs. Consequently, WMP.No.2196 of 2001 is also dismissed.

ATR

To,
1.The Secretary,

Highways Department,
The Government of Tamilnadu,
Fort St. George,
Chennai-9.

2.The Chief Engineer,
Highways Department,
Highways and Rural Works
Department,
Chepauk, Chennai-5.

3.The Superintending Engineer,
Highways Department,
Highways and Rural Works Dept.,
Pudukottai Road,
Trichy-20.